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acting by and through the DEPARTMENT OF TRANSPORTATION;
DALE BONNER, WILL KEMPTON and PEDRO ORSO-DELGADO

UNITED STATES DISTRICT COURT

Southern District of California

SAN DIEGO MINUTEMEN, An Unincorporated Association,) Case No.: 08 CV 0210 WQH RBB

Plaintiff, } **REQUEST FOR JUDICIAL NOTICE**

vs.)
CALIFORNIA BUSINESS TRANSPORTATION)
AND HOUSING AGENCY'S DEPARTMENT)
OF TRANSPORTATION; DALE BONNER.)
*No oral argument unless requested by the
Court*

Individually and in his Official Capacity as)
Agency Director, Business, Transportation and)
Housing Agency; WILL KEMPTON, Individually)
and in his Official Capacity as Caltrans Director;)
PEDRO ORSO-DELGADO, Individually and in)
his Official Capacity as Caltrans District Director)
and DOES 1 through 10,)
Date: April 1, 2008
Time: 11:00 a.m.
Courtroom: 4
Judge: William Q. Hayes

Defendants, by and through their attorney, hereby requests the Court to take judicial notice pursuant to Federal Rule of Evidence 201 of the following facts:

1. Caltrans Adopt-a-Highway Program Guidelines and Coordinators Handbook, a copy of which is attached hereto as Exhibit 1.

While documents not included in the original pleading generally cannot be considered on a Federal Rule of Civil Procedure 12(b)(6) motion without converting the motion into one for summary judgment, an exception exists for documents the authenticity of which are not disputed by the parties, official records, documents central to plaintiffs' claim and documents sufficiently

1 referred to in the complaint. Mack v. South Bay Beer Distributors, 798 F.2d 1279, 1282 (9th
2 Cir. 1986); Watterson v. Page, 987 F.2d 1, 3 (1st Cir. 1993).

3 The Caltrans Adopt-a-Highway Program Guidelines and Coordinator's handbook is an
4 official record which is central to plaintiff's claim. The authenticity of this document is not in
5 dispute by the parties. Because this document is an official record central to plaintiff's claim and
6 its authenticity is not in dispute, the Court is able to take judicial notice of this document without
7 converting defendants' motion for dismissal pursuant to Federal Rule of Civil Procedure 12(b)
8 into one for summary judgment.

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10 Dated: _____ BRUCE A. BEHRENS, Chief Counsel
11 JEFFREY R. BENOWITZ, Deputy Chief Counsel

12 _____
13 Jeffrey R. Benowitz, Deputy Chief Counsel
14 Stephanie D. Martin, Deputy Attorney
15 Attorneys for Defendant State of California